

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

KEVIN M. SMITH

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Case No. 3:11-CR-00003
Judge Thomas W. Phillips

AGREED ORDER OF REVOCATION

A Petition for Revocation of Supervised Release has been filed against the defendant, Kevin M. Smith, and the defendant admits that he has violated his supervised release. An agreement has been reached between the parties, recommending that Mr. Smith's supervised release should be revoked and that he should receive a sentence of twenty (20) months incarceration with no supervised release to follow. It is further recommended that he be designated to a Bureau of Prisons facility in close proximity to Knoxville, Tennessee.

Mr. Smith agrees to waive his right to a hearing pursuant to Rule 32 of the Rules of Criminal Procedure, waive his right to allocute at a revocation hearing, and asks that the agreement of the defendant and the government pursuant to Rule 11 of the Federal Rules of Criminal Procedure be found to be a proper sentence.

This Court has considered the Chapter Seven policy statements in the United States Sentencing Guidelines. The defendant's criminal history category is IV. The advisory guideline range is 24-30 months for "Grade A" violations which the Court has carefully considered. There is a statutory maximum of 24 months imprisonment which the Court has also considered. The Court has also considered the factors listed in 18 U.S.C. §3553(a).

Based on the foregoing, the Court finds that the recommended sentence is sufficient, but not greater than necessary, to accomplish the purposes set forth in 18 U.S.C. §3553(a) while

taking into consideration all of those factors and the Chapter Seven policy statements.

IT IS HEREBY ORDERED, therefore, that the defendant's supervised release is revoked.

The defendant is hereby sentenced to a term of imprisonment of twenty (20) months to be followed by no supervised release. It is recommended that he be designated to a Bureau of Prisons facility in close proximity to Knoxville, Tennessee.

Entered, this 1st day of APRIL, 2019.

Thomas W. Phillips

Honorable Thomas W. Phillips
United States District Judge

APPROVED FOR ENTRY:

Anne Marie Svolto 3/28/19

Anne-Marie Svolto
Assistant U.S. Attorney

Nakeisha C. Jackson 3/21/19

Nakeisha C. Jackson
Attorney for Defendant

Kevin M. Smith

Kevin M. Smith
Defendant

Mandy Palmiter by permission
Mandy Palmiter
U.S. Probation Officer

Nakeisha C. Jackson